

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
McLaughlin School District  
Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Rita Pettigrew, Team Leader; Joan Ray, Chris Sargent, Education Specialists; Cindy Kirschman, Transition Liaison

**Dates of On Site Visit:** October 31 – November 1, 2011

**Date of Report:** November 18, 2011

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

**1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:15:06:35. Birth to age 21 school psychological examiner education endorsement.** Assessment reports of testing accomplished by a school psychological examiner must be signed by a certified school psychologist.

**Corrective Action:****Prong 1: Correct each individual case of noncompliance**

A certified school psychologist was not co-signing the school psychological examiner's reports completed for the district.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Students having an ability evaluation conducted by the district from August 2010 to November 2011.	The district must hire/contract a certified school psychologist to complete evaluations or co-sign reports completed by a school psychological examiner.	The district must submit documentation to support the acquisition of certified staff.
<b>Timeline for Completion: December 23, 2011</b>		

## **2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:17:09. Return of Child Count Information.** Local education agencies shall return information on counting eligible children to the Office of Data Collection. Each local school superintendent shall certify in writing that the information provided is an accurate and unduplicated count of children with disabilities receiving special education or special education and related services on December 1 of each school year.

### **Corrective Action:**

#### **Prong 1: Correct each individual case of noncompliance**

The district's 2010 child count was not an accurate report to the Office of Data Collection.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student 11 was on the child count as a student with a speech/language disability (550); however, not receiving special education services on Dec 1, 2010. Student 10 was on the child count as a child with a speech/language disability (550); however, the file documentation supported the disability of autism (560).	The district must develop procedures to assure the December 1, child count data submitted to the Office of Data Collection is accurate.	The district must submit procedures to assure accurate data is reported on the December 1 child count
<b>Timeline for Completion: November 30, 2011</b>		

## **3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:27:15.01. IEPs for student transfers within state.** If a student with a disability, who had an IEP that was in effect in a previous school district in the state, transfers to a new school district in the state, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide FAPE to the student, including services comparable to those described in the student's IEP from the previous school district, until the new school district either:

- (1) Adopts the student's IEP from the previous school district; or
- (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in this chapter.

**ARSD 24:05:27:15.02. IEPs for student transfers from another state.** If a student with a disability, who had an IEP that was in effect in a previous school district in another state, transfers to a school district in South Dakota, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide the child with FAPE, including services comparable to those described in the student's IEP from the previous school district, until the new school district:

- (1) Conducts an evaluation pursuant to chapter 24:05:25, if determined to be necessary by the new school district; and
- (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in this chapter.

**Corrective Action:**

**Prong 1: Correct each individual case of noncompliance**

Policies were not followed for student transfers within state and from another state for students with disabilities, who had an IEP in effect in a previous school district in the state, or from another state.

Student:	Required Action:	Data To Be Submitted:
<p>Students #:5 and 9 did not have documentation in the files to support transfer policies were followed by the district.</p> <p>Staff interviews indicated the district accepted the evaluation and IEP for student 5, who transferred from another state. However, the file does not contain documentation such as a prior notice and eligibility information to support procedures were followed.</p>	<p>For student 5 the district must review the student's existing data to determine:</p> <ul style="list-style-type: none"> <li>• what evaluations are needed and what can be pulled forward to determine SD eligibility</li> <li>• send prior notice to obtain consent to pull forward and/or conduct evaluations</li> <li>• Complete evaluations if necessary</li> <li>• Send prior notice for eligibility &amp; IEP meeting</li> <li>• Conduct eligibility meeting and develop an IEP if appropriate.</li> </ul> <p>No required action for student 9 since student has moved.</p>	<p>For student 5 the district will submit the following documentation:</p> <ul style="list-style-type: none"> <li>• Prior notice for consent</li> <li>• Evaluation report</li> <li>• Prior notice for meeting</li> <li>• Eligibility document and if appropriate a copy of the IEP</li> </ul>
<p><b>Timeline for Completion: December 23, 2011</b></p>		

**4. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:30:05. Content of notice.** The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;

- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

**ARSD 24:05:25:02.04. Other consent requirements.** Other consent requirements include the following:

- (1) Parental consent is not required before:
  - (a) Reviewing existing data as part of an evaluation or a reevaluation; or
  - (b) Administering a test or other evaluation that is administered to all children unless, before administration of the that test or evaluation, consent is required of parents of all children;

**ARSD 24:05:22:03. Certified child.** A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

**ARSD 24:05:25:04. Evaluation procedures -- General.** School districts shall ensure, at a minimum, that evaluation procedures include the following:

A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining: (a) Whether the child is a child with a disability; and (b) The content of the child's IEP, including information related to enabling the child: (i) To be involved in and progress in the general education curriculum; or (ii) For a preschool child, to participate in appropriate activities; The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including: (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to: (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and (b) Meet each of the student's other educational needs that result from the student's disability;
- (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student: (a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general

education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

**ARSD 24:05:28:01. Least restrictive program to be provided.** Children in need of special education or special education and related services, to the maximum extent appropriate, shall be educated with children who are not disabled and shall be provided special programs and services to meet their individual needs which are coordinated with the regular educational program. Special classes, separate schooling, or other removal of children with disabilities from the regular educational classroom may occur only when the nature or severity of the child's needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

**Corrective Action:**

**Prong 1: Correct each individual case of noncompliance**

Documentation in student files such as prior notice, evaluation data to support eligibility category and/or content of student's Individual Education Programs (IEPs) did not consistently adhere to appropriate procedures.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<b>Student file #1</b> This student was on the 2010 child count as a child with a developmental disability (570), which is appropriate for children only ages 3-5 years old. In September, this student turned six years old. Data in the file did not support a reevaluation was conducted by the child's sixth birthday to determine if the child was a student with a disability in one or more of the other major disability categories.	<b>Student File #1</b> 1) Initiate a review of existing data 2) Determine the students potential category(s) of disability 3) Initiate prior notice/consent 4) conduct needed evaluations and write report(s) 5) IEP team to meet and review evaluation results and determine eligibility under appropriate disability category 6) Complete the MDT/Eligibility document 7) Develop an IEP, if appropriate.	Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.
<b>Student file #2</b> This student was determined eligible under the category of developmental delay (570). The eligible areas/scores which met the first prong of eligibility included receptive language and cognitive. Although skill-based assessment was completed to determine the second prong of eligibility in the area of communication/language, there was no skill-based assessment found in the file to support the cognitive area. As a result of this, the student's	<b>Student file #2</b> The district must initiate prior notice/consent to conduct skill-based assessment in the area of cognitive, develop a report to include strengths and needs, and hold an IEP meeting to amend the IEP present levels and develop annual goal if appropriate.	Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.

<p>Present Level of Academic Achievement and Functional Performance (PLAAFP) did not have skill-specific strengths and weaknesses in the cognitive area.</p>		
<p><b>Student file #3</b></p> <p>Consent was received in March, 2011 to conduct an evaluation in the areas of articulation, behavior and transition, which were not assessed. Also, parents were not informed the ability score from October 2002 was pulled forward.</p> <p>This student was determined eligible the spring of 2011 under the category of cognitive disability (510), speech/language (550) and other health impairment (555). The eligibility form indicates the student has a multiple disability (530). The student's IEP indicates the disability is cognitive disability (510). The ability score used to determine eligibility does not support a cognitive disability, nor was adaptive behavior assessment completed to determine if the student exhibited deficits in this area. Regarding the category of other health impaired (555), there was no documentation of a chronic or acute health problem found in the file to support this disability.</p> <p>In addition, there was no skill-based assessment found in the file to support the disability. As a result of this, the student's Present Level of Academic Achievement and Functional Performance (PLAAFP) did not have skill-specific strengths and weaknesses.</p>	<p><b>Student file #3</b></p> <ol style="list-style-type: none"> <li>1) Initiate a review of existing data</li> <li>2) Determine the students potential category(s) of disability</li> <li>3) Initiate prior notice/consent if additional evaluations are needed</li> <li>4) conduct needed evaluations and write report(s)</li> <li>5) IEP team to meet and review evaluation results and determine eligibility under appropriate disability category</li> <li>6) Complete the MDT/Eligibility document</li> <li>7) Develop an IEP, if appropriate.</li> </ol>	<p>Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.</p>

<p><b>Student file #4</b></p> <p>This student's 3 year reevaluation was due in October 2011. A statement on the current Individual Education Program (IEP) indicated the IEP team considered the scores from the previous evaluation; however, there was no prior notice/consent found, which indicated this decision, nor was there an eligibility document completed to indicate the student's disability category.</p> <p>In addition, since there was no skill-based assessment completed to support the disability the student's Present Level of Academic Achievement and Functional Performance (PLAAFP) did not have skill-specific strengths and weaknesses. Also, the services to be provided did not address the student's specialized instruction. Nor did the IEP use the reject/accept format in justification for placement.</p>	<p><b>Student file #4</b></p> <ol style="list-style-type: none"> <li>1) Initiate a review of existing data</li> <li>2) Determine the students potential category(s) of disability</li> <li>3) Initiate prior notice/consent if additional evaluations are needed</li> <li>4) conduct needed evaluations and write report(s)</li> <li>5) IEP team to meet and review evaluation results and determine eligibility under appropriate disability category</li> <li>6) Complete the MDT/Eligibility document</li> <li>7) Develop an IEP, if appropriate.</li> </ol>	<p>Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.</p>
<p><b>Student file #6</b></p> <p>File review indicated this student is receiving occupational and physical therapy; however, fine and gross motor skills are not addressed in the student's PLAAFP nor are goals written for these skill areas. Also, the services to be provided did not address the student's special education specialized instruction.</p>	<p><b>Student file #6</b></p> <ol style="list-style-type: none"> <li>1) The district must initiate prior notice/consent to conduct skill-based assessment if needed in the skill areas of fine and gross, develop a report to include strengths and needs.</li> <li>2) Hold an IEP meeting to amend the IEP's PLAAFP, develop annual goal for fine &amp; gross motor if appropriate and address the student's special education specialized instruction.</li> </ol>	<p>Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.</p>



<p><b>Student file #8</b></p> <p>This student was determined eligible under the category of speech/language (550); however, no standard scores were recorded in the report or on the eligibility document to determine prong one of eligibility. In addition, the second prong of eligibility, which is how the student's disability affects his or her involvement and progress in the general curriculum, states "N/A".</p>	<p><b>Student file #8</b></p> <ol style="list-style-type: none"> <li>1) Initiate a review of existing data</li> <li>2) Determine the students potential category(s) of disability</li> <li>3) Initiate prior notice/consent if additional evaluations are needed</li> <li>4) conduct needed evaluations and write report(s)</li> <li>5) IEP team to meet and review evaluation results and determine eligibility under appropriate disability category</li> <li>6) Complete the MDT/Eligibility document</li> <li>7) Develop an IEP, if appropriate.</li> </ol>	<p>Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.</p>
<p><b>Student file #10</b></p> <p>The student's IEP special education goals are not measureable.</p>	<p><b>Student file #10</b></p> <ol style="list-style-type: none"> <li>1) District must arrange technical assistance for the high school special education staff with the regional transition liaison.</li> <li>2) Develop an IEP, with measurable goals</li> </ol>	<p>Submit date and list of staff who meet with regional transition liaison. Also, submit a copy of prior notice/meeting invitation and IEP.</p>
<p><b>Timeline for Completion: December 23, 2011</b></p>		

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:**

The district must review and update its policy, procedure and practice regarding the following:

- Defining who and what information must be gathered as part of the district informal review following an initial evaluation.
- Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.
- Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.
- Development of evaluation reports that must be provided to parents including administering and reporting skill-based assessment.
- Determining eligibility and completing the eligibility document.
- Developing an IEP that provides educational benefit.

The district will receive technical assistance regarding these issues. The training date, provider and participants will be documented and submitted to the team leader in support of verifying correction through updated data.

**Data To Be Submitted:**

Each special education teachers, early childhood teacher and speech pathologist will submit for one student who has been initially evaluated or reevaluated (completed since the on-site review date) a copy of the following:

1. Referral document (if applicable)
2. The prior notice/consent for evaluation
3. Copies of **all** the evaluation reports including skill-based assessment and transition
4. Copy of the prior notice for the eligibility/IEP meeting,
5. Copy of the MDT/eligibility document and;
6. Copy of the IEP

NOTE: A copy of the updated policy, procedure and practice that addressed correction to General Supervision #3 and 4 are to be submitted to verify correction through updated data.

**Target Date for Completion: May 1, 2012**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**

## **State Performance Plan – Performance Indicators**

**Indicator 5:** Placement of Children Age 6-21 Percent of children with IEPs inside the regular class 80% or more of the day.

The district achieved a 75% rate compared to the State target of 65%. When IEPs are written the district strongly considers the general classroom for placement of services. The district's goal is to serve all students in the general classroom, in an inclusive environment. If student's need extra assistance the next option on the continuum is considered. The district encourages direct instruction take place in the general classroom

**Indicator 2:** Dropout Rate: Percent of youth with IEPs dropping out of high school.

The district achieved a 7.4% rate compared to the State target of 3.31% or lower dropout rate. The district plans to run an ad in the local paper to reach students who have dropped out. The ad would invite students to return to school to get their diploma. The district would offer Credit Recovery for 2 hours in the evening for those interested. Since the district's graduation rate is also lower than the states target rate the district also plans to use Credit Recovery to improve this rate.